



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1470
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,061	02/14/2001	Haruki Furusawa	401081	1852
23548	7590	10/06/2005		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER VU, THANH T	
			ART UNIT 2174	PAPER NUMBER

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/782,061	Applicant(s) FURUSAWA ET AL.	
	Examiner Thanh T. Vu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|--|--|

PD

DETAILED ACTION

This communication is responsive to Amendment, filed 07/18/2005.

Claims 1-16 are pending in this application. In the Amendment, claims 1 and 8 were amended, and claim 16 was added. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 8, 11, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara (U.S. Pat. No. 6,543,052).

Per claim 1, Ogasawara teaches a portable apparatus comprising:

inputting means for inputting instruction information for effecting control of an apparatus external to the portable apparatus (fig. 4; portable apparatus 14; and external apparatus 12);

wireless transmitting means for transmitting to a central processing unit the instruction information for effecting control input through the inputting means (figs. 1 and 4; central processing unit: web server 72; col. 3, lines 27-31 and lines 61-62);

wireless receiving means for receiving from the central processing unit a remote controller control instruction, corresponding to the instruction information for effecting control, the central processing unit referring to a data base in which a plurality of remote controller

Art Unit: 2174

control instructions corresponding to respective instruction information are stored to obtain the remote controller control instruction (figs. 1 and 4; col. 3, lines 61-62; col. 6, lines 20-35; col. 9, lines 30-32); and

control means for controlling operation of the apparatus external to the portable apparatus, in accordance with the remote controller control instruction received by the wireless receiving means (figs. 1 and 4; col. 3, lines 61-62; col. 4, lines 4-13; col. 7, lines 63-65; col. 9, lines 39-43; TV 12 is controlled to display various HTML pages).

Per claim 2, Ogasawara teaches the portable apparatus of claim 1, wherein a voice emitted from a user is input to the inputting means as the instruction information for effecting control (col. 4, lines 39-37).

Per claim 4, Ogasawara teaches the portable apparatus of claim 1, wherein one of a letter and symbol written by the user is input to the inputting means as the instruction information for affecting the control (col. 4, lines 20-23; col. 7, lines 12-15 and lines 44-51).

Per claim 5, Ogasawara teaches the portable apparatus of claim 1, wherein code information indication one of letters and symbols is input to the inputting means as the instruction information fro effecting control (col. 4, lines 20-23; col. 7, lines 12-15 and lines 44-51).

Per claim 8, Ogasawara teaches a remote control system, comprising:

inputting means, arranged in a portable apparatus, for inputting operation information ((fig. 4; portable apparatus 14);

Art Unit: 2174

wireless transmitting means, arranged in the portable apparatus, for transmitting the operation information input by the inputting means (figs. 1 and 4; central processing unit: web server 72; col. 3, lines 27-31 and lines 61-62);

a central processing unit outside the portable apparatus for receiving the operation information from the wireless transmitting means, referring to a data base in which a plurality of remote controller control instructions are stored, retrieving a remote controller control instruction corresponding to the operation information and sending back the remote controller control instruction corresponding to the operation information (figs. 1 and 4; central processing unit: web server 72; col. 3, lines 61-62; col. 6, lines 20-35; col. 9, lines 30-32);

receiving means, arranged in the portable apparatus, for receiving the remote controller control instruction from the central processing unit (col. 4, lines 53-68; col. 5, line 64-col. 6, lines 4); and

control means, arranged in the portable apparatus, for controlling an operated apparatus according to the remote controller control instruction received by the receiving means (figs. 1 and 4; col. 3, lines 61-62; col. 4, lines 4-13; col. 7, lines 63-65; col. 9, lines 39-43; TV 12 is controlled to display various HTML pages).

Per claim 11, Ogasawara teaches a remote control system according to claim 8, wherein the central processing unit specifies a user of the portable apparatus in cases where the central processing unit has a data base of each of a plurality of users, the central processing unit refers to the data base of the user, and the central processing unit retrieves the remote controller control instruction corresponding to the operation information (col. 10, lines 1-16).

Per claim 13, Ogasawara teaches the remote control system according to claim 8, wherein the portable apparatus is a portable telephone (col. 2, lines 38-40).

Per claim 14, Ogasawara teaches the remote control system according to claim 8 wherein the portable apparatus is fixed to the operated apparatus (figs. 1 and 4).

Per claim 15, Ogasawara teaches the remote control system according to claim 1 including a housing containing the inputting means, the transmitting means, and the control means (figs. 2 and 3; col. 4, lines 20-22; col. 5, lines 9-11 and lines 42-45).

Per claim 16, Ogasawara teaches the remote control system according to claim 1, wherein the inputting means, to the transmitting means, and the control means are parts of a portable telephone (figs. 2 and 3; col. 2, lines 38-40; col. 4, lines 20-22; col. 5, lines 9-11 and lines 42-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (U.S. Pat. No. 6,543,052) and Nguyen (U.S. Pat. No. 6,256,033).

Per claims 3, 6 and 7, Ogasawara teaches the portable apparatus of claim 1, but does not teach wherein a moving picture indicating a gesture of a user is input as the operation information to the inputting means, an external power measured by an acceleration sensor is

Art Unit: 2174

input as the operation information to the inputting means, and environment information measured by an environment sensor is input as the operation information to the inputting means. However, Nguyen teaches a moving picture indicating a gesture of a user is input as the operation information to the inputting means (col. 6, lines 13-20; col. 12, lines 30-34), an external power measured by an acceleration sensor is input as the operation information to the inputting means (col. 6, lines 21-23; col. 12, lines 34-37), and environment information measured by an environment sensor is input as the operation information to the inputting means (col. 5, lines 21-23 and col. 12, lines 34-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Nguyen in the invention of Ogasawara in order to provide a system with real-time recognition of gestures made by subject within a dynamic background image.

Per claim 9, Ogasawara teaches the remote control system according to claim 8, but does not teach the central processing-unit performs an ambiguous retrieval processing, in cases where no remote controller control instruction coincident with the operation information exists, to send back a remote controller control instruction most suitable for the operation information. However, Nguyen teaches the central processing-unit performs an ambiguous retrieval processing, in cases where no remote controller control instruction coincident with the operation information exists, to send back a remote controller control instruction most suitable for the operation information (fig. 1; CPU 102; col. 7, lines 53-58; col. 8, lines 6-9; col. 9, lines 47-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Nguyen in the invention of Ogasawara in order to provide a

Art Unit: 2174

system with real-time recognition of gestures made by subject within a dynamic background image.

Per claim 10, Nguyen teaches a remote control system according to claim 9, wherein the central processing unit learns a correspondence relationship between the operation information and the remote controller control instruction most suitable for the operation information and sends back the remote controller control instruction without performing the ambiguous retrieval processing when the central processing unit receives the same operation information as that of the correspondence relationship on a subsequent occasion (fig. 8A and 8B; col. 10, lines 51-65).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (U.S. Pat. No. 6,543,052) and Peterson et al. ("Peterson", U.S. Pat. No. 6,349,289).

Per claim 12, Ogasawara teaches the remote control system of claim 8, but does not teach wherein the central processing unit charges a handling fee according to use of the remote controller control information instruction used in the portable apparatus. However, Peterson teaches a system monitoring access and maintaining billing records for computer usage (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Peterson in the invention of Ogasawara in order to provide a system for tracking computer usage and cost associated with the computer usage.

Response to Arguments

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100